

RECORD OF PROCEEDINGS  
OF THE GOVERNING BODY  
CITY OF GARDNER, KANSAS

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May 3, 2021

The City Council of the City of Gardner, Kansas met in regular session on May 3, 2021, at 7:00 p.m. in the Council Chambers at Gardner City Hall, 120 East Main Street, Gardner, Kansas, with the Mayor Steve Shute presiding. Present were Councilmembers Todd Winters, Mark Baldwin, Kacy Deaton, Randy Gregorcyk, and Tory Roberts. City staff present were City Administrator James Pruetting; Deputy City Administrator Amy Nasta; Finance Director Matthew Wolff; Police Chief James Belcher; Utilities Director Gonzalo Garcia; Parks and Recreation Director Jason Bruce; Community Development Director David Knopick; City Attorney Ryan Denk; and City Clerk Sharon Rose. Others present included those listed on the sign-in sheet and others who did not sign in.

**CALL TO ORDER**

There being a quorum of Councilmembers present, Mayor Shute called the meeting to order at 7:00 p.m.

**PLEDGE OF ALLEGIANCE**

Mayor Shute led those present in the Pledge of Allegiance.

**PRESENTATIONS**

**1. Proclaim May 2-8, 2021 as “Drinking Water Week” in the City of Gardner**

Mayor Shute read into record a proclamation that May 2-8, 2021 be known as Drinking Water Week in the City of Gardner, Kansas. Director Gonz Garcia said the Hillsdale Water Plant expansion is nearing completion.

**2. Proclaim May 9-15, 2021 as “Police Week” in the City of Gardner**

Mayor Shute read into record a proclamation that May 9-15, 2021 be known as Police Week in the City of Gardner, Kansas. Chief James Belcher said it's an honor to serve. They have a lot of hard working people on the force.

**PUBLIC HEARINGS**

**1. Hold a public hearing for the purpose of receiving comments to a request for a Waiver of the Distance Limitation to allow for the sale of domestic table wine within 200 feet of a school, church or library during the weekly Farmers Markets events to be held on Thursdays, 4pm to 7pm, from May 13, 2021 to September 2, 2021**

Councilmember Deaton made a motion to open a public hearing for the purpose of receiving public comments on the Waiver of the Distance Limitation to allow for the sale of domestic table wine within 200 feet of a school, church or library during the weekly Farmers Markets events to be held on Thursdays, 4pm to 7pm, from May 13, 2021 to September 2, 2021.

Councilmember Baldwin Seconded.

With all of the Councilmembers voting in favor of the motion, the motion carried.

No members of the public came forward.

Councilmember Gregorcyk made a motion to close the public hearing

Councilmember Deaton Seconded.

With all of the Councilmembers voting in favor of the motion, the motion carried.

**PUBLIC COMMENTS**

Gary Carson, 140 Brittany Court, said because of COVID and other issues, people have been trapped at home or put off vacations. A few months ago, he came up with an idea to hold a music event to bring friends together for a small invitation only bash in mid-July. When he inquired about renting the amphitheater, he was told that citizens couldn't rent the amphitheater. A few days later, he was informed that he needed to ask the council for an exemption to the code in the form of a waiver to hold the private event. He is expecting around 130 people to attend the invitation-only, twilight event featuring 3 live bands. He assures council it won't be as loud as the bands

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that have played in the past at the Festival on the Trails event. The sound will be tuned to the size of the audience and they expect to be done around 9:30pm. In asking the council for their consideration in granting this waiver, he would like them to take everything into consideration, including the proposed parking diagram that lays out public parking, and parking is contained to the east side of Center St. He has taken into consideration that the pool will be open during this time, but since the event is taking places in the late afternoon, he does not foresee any issues. He left the question to the council, and hopes the council will discuss this matter and come to a conclusion.

Jake Carmack is with a band helping Mr. Carson with this event. He is from Kansas City. The impetus of the event is a celebration of getting past COVID. It's worth celebrating. They want to give people an opportunity to enjoy. It is invitation only, but it's a public park, and people would be welcome to stop by. The music won't be loud. They would appreciate the opportunity to have some fun at the park.

Dennis Watson, 670 S. Mulberry, said he is pleased to see the city still does the Pledge of Allegiance at the beginning of the meeting. This is a season of a lot of division, and a lot of attack against the constitution and way of life. It's even more important for state and local governments to stand firm with values that are livable and profitable for the city. Where truth, light and justice are prevailing, there continues to be peace and prosperity. He thanked the governing body for standing up for what's true and right.

**CONSENT AGENDA**

- 1. Standing approval of the minutes as written for the regular meeting on April 19, 2021**
- 2. Standing approval of City expenditures prepared April 12, 2021 in the amount of \$1,514,448.72; April 13, 2021 in the amount of \$4,038.43; April 16, 2021 in the amount of \$276,550.45; April 21, 2021 in the amount of \$172,606.75; and April 23, 2021 in the amount of \$627,186.38**
- 3. Consider the reappointment of Steve McNeer to the Planning Commission**
- 4. Consider authorizing the execution of Change Order #1 to upsize the proposed forcemain as part of the Prairie Trace Sanitary Sewer Improvements**
- 5. Consider accepting court-ordered compensation and appraisal fees and authorizing payment for easements acquired through Eminent Domain as required for Prairie Trace Sanitary Sewer Improvements**
- 6. Consider authorizing the Mayor to execute a settlement agreement for compensation due for eminent domain condemnation in connection with the Gardner Municipal Airport**

Councilmember Gregorcyk Asked to remove item 6 from the Consent Agenda.

Councilmember Deaton made a motion to approve items 1-5 on the Consent Agenda.

Councilmember Baldwin Seconded.

With all of the Councilmembers voting in favor of the motion, the motion carried.

***Discussion of Consent Agenda Item 6, Consider authorizing***

Councilmember Gregorcyk wanted to confirm that the additional \$235,000 was coming out of the airport fund. Finance Director Wolff confirmed, and stated they will be reimbursed by an FAA grant. Mayor Shute said they pledged a portion of that already. Wolff said they paid \$500,000 to take the title of it. Then it went into negotiations and they got a settlement of \$235,000. This year, they can get up to \$660,000 in AIP funds at 100%. They may have to pay a 10/90 split in the future. City Attorney Denk said all legal costs they incurred as part of the acquisition, like legal fees, appraisal fees, title work, will be refunded.

Councilmember Gregorcyk made a motion to authorize the Mayor to execute a settlement agreement with The Midwest Trust Company and Carol Dale Grube in the amount of \$235,000 for compensation due for eminent domain condemnation in connection with the Gardner Municipal Airport

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Councilmember Deaton Seconded.

With all of the Councilmembers voting in favor of the motion, the motion carried.

**PLANNING & ZONING CONSENT AGENDA**

**COMMITTEE RECOMMENDATIONS**

**OLD BUSINESS**

**1. Consider adopting an ordinance amending Chapter 2.05.040 of the Municipal Code of the City, entitled "Governing Body Rules of Procedure"**

City Clerk Sharon Rose said the Governing Body Rules of Procedure (GBROP) was first adopted on March 18, 2013 by Ordinance 2424 and provides the necessary guidelines for the conduct of orderly meetings of the Governing Body. It contains rules and procedures found in City ordinances and includes best practices used by municipalities throughout the Kansas City area. The document is intended to provide staff, the Governing Body, and members of the public with a single, transparent information source regarding these guidelines. As such, it contains information derived from various sources including ordinances, policies, and direction from the Governing Body. The GBROP is incorporated into the Gardner Municipal Code (GMC) by reference. At the April 19, 2021 City Council meeting, the Governing Body provided direction to review the GBROP. Staff did find some redundancies; however, staff believes removing entire subsections will strip the GBROP of context by removing partial sections. This will bring the GBROP into conformance with the Charter Ordinance 29 that was unanimously approved at the last meeting.

Councilmember Deaton made a motion to adopt Ordinance No. 2701, an ordinance amending Chapter 2.05.040 of the Municipal Code of the City of Gardner, Kansas, entitled "Governing Body Rules of Procedure" and incorporating by reference the *Governing Body Rules of Procedure*, under the provisions of K.S.A. 12-3009 through 12-3012.

Councilmember Winters Seconded.

With all of the Councilmembers voting in favor of the motion, the Ordinance passed and was assigned Ordinance number 2701.

Deaton:	Yes
Winters:	Yes
Gregorcyk:	Yes
Roberts:	Yes
Baldwin:	Yes

**NEW BUSINESS**

**1. Consider a request for a Waiver of the Distance Limitation to allow for the sale of domestic table wine within 200 feet of a school, church or library during the weekly Farmers Markets events to be held on Thursdays, 4pm to 7pm, from May 13, 2021 to September 2, 2021**

City Clerk Sharon Rose said this is a housekeeping item in relation to the public hearing held earlier this evening. A local winery has requested to sell sealed bottles of wine not for consumption on site at the Gardner Farmers Market.

Councilmember Winters asked about the designation of domestic table wine. City Clerk Rose said that is the license they hold through their state farm winery license. Councilmember Baldwin noted that table wine is different than religious wine.

Councilmember Gregorcyk made a motion to approve a request for a Waiver of the Distance Limitation to allow for the sale of domestic table wine within 200 feet of a school, church or library during the weekly Farmers Markets events to be held on Thursdays, 4pm to 7pm, from May 13, 2021 to September 2, 2021

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Councilmember Deaton Seconded.

With all of the Councilmembers voting in favor of the motion, the motion carried.

**COUNCIL UPDATES**

City Administrator Pruetting provided a map of an area southeast of Gardner and Edgerton. There is a petition filed with Miami County for a new city south of 215<sup>th</sup> St, bounded by 239<sup>th</sup> on the south, Gardner Rd on the west, and Cedar Niles on the east. The city would be called Golden. Miami County administrator reached out to nearby towns with a series of questions. The petitioner, Jennifer Williams, asked the mayor to author a letter of support for the creation of the new city, as Spring Hill has already done. Pruetting asked if any of the governing body thinks this is in impedance to future growth. It is completely in Miami County. He asked if there is an endorsement to support this with Miami County. Shute asked if there is consensus to submit the letter. Councilmember Winters asked if our endorsement is necessary for them to continue. Pruetting said all five Miami County commissioners must approve it. They are required to ask if there are objections from any city within 5 miles of the proposed city. The petitioner is seeking endorsement. Winters doesn't object, but endorsement isn't the right word. Mayor Shute said it's a letter of support and not binding. It needs unanimous approval from Miami County commissioners. They want something stating Gardner is not interested in that area, it's not an impediment to Gardner's growth, and they support the creation of the city. Councilmembers Roberts and Winters support it. Councilmember Baldwin said this prevents Gardner from going further south between Moonlight and Cedar Niles and meeting Spring Hill in the middle. Pruetting never had indication that Council wanted to go south into Miami County. Shute said south of 207<sup>th</sup> is not in their planning area; there's no intention in working through Miami County incorporation. Councilmember Deaton said once they are a city, they could annex north and expand out of Miami County. There's nothing the county commission or Gardner can do. Baldwin noted that Johnson County commission would have to approve. Councilmember Gregorcyk said the intent of the incorporation is to stop what Deaton suggested. Deaton said there's nothing stopping them from annexing property. Shute said they should discuss an annexation boundary agreement with Golden. Deaton supports it. Baldwin said property owners came up with solution to their problem, but wants to explore the annexation boundary agreement. Shute said those creating the city will be a good neighbor to Gardner. They share a regional watershed that flows through their city; there will be discussions on interagency agreements. Shute noted they have consensus on a letter. Pruetting continued, stating he has the first meeting with county staff tomorrow about the SWJC Area Plan. They will approve scope of the plan, and he will bring it to a future meeting to get a representative from the governing body to be in the core group. Shute said they should invite people from Miami County and Golden. Ms. Williams said their hearing is in 2 weeks. If all approved, they could have everything in place by the end of summer. Pruetting said Miami County is in the core group. One resident from each jurisdiction will be in the core group.

Mayor Shute noted that they approved reappointments of Steve McNeer and Mia Ham to the Planning Commission as part of the consent agenda.

Director Wolff said staff recommends they hold on to the old police station property for now, as it may increase in value as they complete the reconstruction of Main St. Councilmember Gregorcyk supports that idea, and asked what the taxes are on the now vacant property. Wolff said there are no taxes because it's a government property, but he doesn't know what it would be if it were private. Gregorcyk supports holding on to it. Shute said they can make sure it will fit in with the downtown corridor plan.

Director Garcia said the water line extension to Grata started on Friday, and they estimate 50 working days to completion.

Director Bruce said summer sports are starting; game season will begin in June. Maintenance staff has begun mowing and programmers are setting up for summer activities. Shute asked if they are opening the pool on Memorial weekend. Bruce said they will open the weekend after, on June 5. Gregorcyk asked for more details on opening the pool. Bruce said they will have three 2-hour sessions daily and charge \$2 per person per session. Residents will register online. Deck chairs have been removed, and they will communicate to people to bring their

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own. Concessions will be limited. Gregorcyk asked if they will lift restrictions after the pool is open, or keep the reservation process. Bruce said they plan to keep the reservations, and follow the county health department. Shute noted the sessions are meant to manage the capacity. Bruce confirmed; they will have 500 participants per session. Winters asked how long will the pool be open daily. Bruce said the sessions will be from 12pm-2pm, 2:30-4:30, and 5pm-7pm. There is a 30-minute window between each for sanitizing. Swim lessons will be after the last session. Shute asked about Independence Day. Bruce said Dylan Scott, their headliner, will be touring with Luke Bryan a week after the city's event. They expect a nice crowd.

Director Knopick said they got their first firework stand application in. He said they have an EDAC meeting next Wednesday at the Justice Center.

Councilmember Roberts asked if there is consensus for the waiver for the concert. Shute asked what kind of waiver and how would it apply? Director Knopick said the activity, having bands and food trucks, would be a temporary use of the property. The principal use of a public park is for people to gather. This request is an event because of the bands and food trucks and other things that aren't an accessory to the typical gathering or individual use of a parkland. It's a 'special event'. Special events are located in the temporary use portion of the LDC; a temporary use permit is required. City code does not allow for temporary uses in residentially zoned properties. Most of the city's parks are zoned R-1. Staff has been consistent in applying that interpretation, and have denied similar requests in the past. If they waive the temporary use permit requirement for this activity, how will they move forward with other requests? Roberts asked if others came in, would council have to decide every time, case by case? Knopick said they would bring them forward to continue clarifying, depending on the nature of each activity. Pruetting said if they make an exception now, the next time someone applies and the body doesn't make the exception, they will need to justify it. They can't base it on content. If the content is objectionable, they can't deny it because that would expose the city to liability. Staff has discussed taking the Special Use Permit out of the LDC and putting it in the municipal code. That would allow them to develop criteria that groups must meet in order to get a special use permit. They can set terms and if a group follows it, they can get a permit. It would go through each department and there will be measures for cost recovery in the permit application. Shute said it sounds like Kansas City's process; there are fees for various personnel and services provided. Gardner's code hasn't kept up with the needs of the parks. Roberts asked if someone could have a birthday party at the pavilion with live music, but a smaller group. Pruetting said they wouldn't issue a permit for that. Bruce said they don't have restrictions on the number of people when renting an outdoor shelter. Shute said the live music is a potential nuisance the way the code is currently. Roberts said they could rent the pavilion and have live music. Shute said no, they can't. They can rent the pavilion and have 150 people, but can't have live music. Roberts asked if they could have a food truck. Shute said there are permits issued to the food trucks. Bruce clarified they don't allow food trucks to set up on park property unless it's a city-sponsored event. Knopick clarified that a special use permit isn't an option here. It's a special event permit. A special use permit has a different connotation and it's used for officially for other actions by the Planning Commission. Knopick said there are two sets of requirements, the LDC/Zoning and the parks policy. Roberts is seeking a compromise because it's a city park used for people to gather, but understand they can't set precedent. Shute said the long-term fix is to remove that from the zoning portion of the code and set objective criteria to be used at every park. Knopick said adjusting the LDC would require a public hearing and approval of the Planning Commission before coming to the governing body and then they would need to adopt an ordinance to make changes to the municipal code. Knopick didn't believe it could be accomplished in time for this event. Pruetting said that regardless of permit, they can't restrict people based on content. Some may find certain music objectionable, but they can't deny a permit based on that content. Winters asked if other venues were offered. Bruce said they discussed other venues, like the fairgrounds or the green space by the Presbyterian Church. Bruce said Mr. Carson had communication with the American Legion. Gregorcyk values the process for potential change. What facilities do they have to host larger events besides private events such as this one? They could look at that from a tourism perspective. They could have a stage and grass seating possibly behind Celebration Park where there isn't a strong residential impact. Pruetting noted that they have talked to Mr. Carson about providing transportation services to the Independence Day event and staff are modifying the shuttle system to accommodate him. Shute said they are revising the Parks Master Plan currently. They can review how they manage large events and entertainment. They can look at land acquisition

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strategy for parks. Baldwin agreed that they don't want to make an exception, but they should start on the longer-term change now. He dislikes taxpayer-funded things, like a park, where they restrict more than they allow. Instead of restricting and requiring special permissions, it should be open all the time and they set criteria to use to shut something down. Deaton asked if a group rents a park shelter at Cornerstone, are they allowed to merge over to the amphitheater or are they required to stay at their shelter. Bruce said shelter rentals are not restricted to that shelter. It's open public space. The shelter that they rent houses their event, but they can utilities the amenities throughout the park. Deaton clarified that if they rent a park shelter, signs are posted. They don't have signs on the amphitheater, so anyone could be in it already and not be asked to move because they don't rent out the amphitheater. Is renting the amphitheater something to consider in the master plan? Bruce said it has been addressed in the Destination Downtown plan. Deaton said they can't deny permits based on content, but they could make criteria more specific, like no amplified foul language or slurs. Would that be considered content? City Attorney Denk said anytime they get into content, it's troubling. There is an exception under the first amendment for the ability to regulate obscenity. If they allow Mr. Carson to have his event, irrespective of political persuasion, it will be wide open. They can't say no to political events or commercial events. Once they start leasing it, they surrender their ability to regulate the nature of the use other than content-neutral time or place restrictions. They could regulate decibel level output. Shute noted they have consensus to unlink the special event permit from the zoning restrictions and, as part of the municipal code, to provide a list of content-neutral criteria that would govern how the parks would be used. Baldwin said it's important to consider as many alternatives as possible other than payments. If someone applies to a venue and there is an approved traffic plan, the group could have volunteers do that. Once they have the criteria and charts, they could be placed on the website. Knopick said they want to initially make a model that is easy to implement. There may be refinement over time. Gregorcyk asked if Mr. Carson had interest in the alternative locations. Bruce said he wanted it in the downtown area for accessibility, and the proximity of renting a shelter and utilizing the amphitheater. Shute asked if Mr. Carson would consider moving the event further down the calendar so they can get the process in place. Pruetting said the issue of amplified music in proximity to residential property still exists. Shute agreed, but they could have criteria for decibel levels on their checklist. Deaton noted concern that if the event is moved to make changes, and if either the Planning Commission or the Council table it to refine the criteria, they may not meet the new date. Baldwin said they shouldn't commit to a specific date, but stay in contact with Mr. Carson. Gregorcyk suggested having Mr. Carson move his event to Celebration Park. Shute and Deaton said it's not allowed out there. Knopick said Celebration Park is zoned R-1. The two alternatives, the fairgrounds or church lawn, are zoned differently and would have been allowed. Gregorcyk said it's not fair to rush through the process. Deaton said they need to be clear about criteria because if they allow this with criteria, then realize they rushed criteria, they backpedal. Shute said under the current regulations in place, they cannot have these events at Cornerstone.

Councilmember Gregorcyk asked how the city is doing on mowing. Bruce said Parks and Rec contracts out most of the trails and staff focuses on maintaining parks and ball fields. Pruetting noted that Public Works has begun mowing as well. Gregorcyk asked the Parks survey is suggesting prioritizing parks over roads. He asked the purpose of the survey. He noted the survey includes pool usage, but they didn't open the pool last year. He asked what audience received it and how will it be used. Winters said he suggested the funding questions. He said everyone wants parks and he wanted to know how that fits in residents' prioritization. Deputy Administrator Nasta said a major bias issue faced by surveys is respondents trying to guess the intent and intended usage of a question and then adjusting their responses accordingly. The survey was developed with this in mind. If the intent is to publicly clarify the purpose and usage of the funding question, the question will be invalidated. Any respondent who answers after a public clarification will have been provided context and information that other respondents didn't have and staff cannot separate those out. Nasta can provide clarification, but the governing body needs to know that if she does that publicly, staff will invalidate the question and remove it. Nasta suggested waiting until the analysis has been completed. They will then see how the questions are utilized. Gregorcyk said there are pockets of the city with no parks within walking distance. They constrict usage on what small inventory of parks they have. The master plan says a community should have a park within a mile or 1.5 miles radius. They don't have much south of Main St. Parks are part of the commitment of that community and how the community is built and designed. If they have a plan, they should stay with it. If they have a plan to introduce more parks, they

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need to fund it. Shute said they acknowledge there are gaps in the system. The city is growing and that's why they are reviewing the Parks Master Plan. There are gaps that will need to be filled with dollars; that's why there were funding questions in the survey. Gregorcyk asked how many responded to the survey and how long the survey will be available and who was the audience. Nasta said the survey is on the city's website. It was shared on facebook and sent out through textcaster. It will be available through next Wednesday. They have received 665 responses so far, and will be pushing it out across social media this week.

Councilmember Baldwin received email about traffic around Nike Elementary. He talked with Chief Belcher about more patrolling, but there's not a good place to pull over. There are concerns with trucks and with impatient parents. Baldwin asked if staff could work with the school district to work on internal queuing to get people in the parking lot and off the roadway. Chief Belcher said his staff met with the school and reviewed their traffic plan. They are already doing everything they can in the parking lot. Baldwin said drivers need to pay attention to the traffic laws and wait their turn. Shute noted they have done a lot of work with internal queuing. It's helping, but until the 199<sup>th</sup> St overpass is completed, there will be trucks coming north. Shute said they discussed options to get exceptions to some state and federal mandates with regard to regulating truck traffic because of safety concerns. The new warehouses will make the problem worse. Gregorcyk asked if they can place large signage just off the ramp to southbound traffic that says "do not pass". Belcher said they received a grant for a signboard; they can put that out as a reminder to the no passing zone southbound. Pruetting said the old SWJC Area Plan contemplated a new road to bypass 195<sup>th</sup>, but it never came to fruition. They are, as a group, supposed to determine where the trucks should go, but some are staking their positions among the municipalities and the county.

Mayor Shute said they had good discussion. They have work to do on the codes, but are moving in right direction. Shute said they should have the US 56 project underway before the end of July.

**EXECUTIVE SESSION**

1. Consider entering into executive session to discuss matters of attorney-client privilege related to a proposed development project

Councilmember Winters made a motion to recess into executive session pursuant to K.S.A. 75-4319 (b)(2), to discuss matters of attorney-client privilege related to a proposed development project beginning at 8:23 pm; returning to regular session at 8:48 pm.

Councilmember Deaton Seconded.

With all of the Councilmembers voting in favor of the motion, the motion carried.

Councilmember Gregorcyk made a motion to resume regular session at 8:48 p.m.;

Councilmember Deaton seconded.

With all of the Councilmembers voting in favor of the motion, the motion carried.

**ADJOURNMENT**

There being no further business to come before the Council, on a motion duly made by Councilmember Deaton and seconded by Councilmember Gregorcyk the meeting adjourned at 8:48 p.m.

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City Clerk

## City of Gardner, KS

### Council Actions

May 3, 2021

The City Council took the following actions at the May 3, 2021, meeting:

1. Proclaimed May 2-8, 2021 as “Drinking Water Week” in the City of Gardner, Kansas.
2. Proclaimed May 9-15, 2021 as “Police Week” in the City of Gardner, Kansas.
3. Held a public hearing for the purpose of receiving comments to a request for a Waiver of the Distance Limitation to allow for the sale of domestic table wine within 200 feet of a school, church or library during the weekly Farmers Markets events to be held on Thursdays, 4pm to 7pm, from May 13, 2021 to September 2, 2021.
4. Approved the minutes as written for the regular meeting held April 19, 2021. (Passed unanimously)
5. Approved City expenditures prepared April 12, 2021 in the amount of \$1,514,448.72; April 13, 2021 in the amount of \$4,038.43; April 16, 2021 in the amount of \$276,550.45; April 21, 2021 in the amount of \$172,606.75; April 23, 2021 in the amount of \$627,186.38; and April 23, 2021 in the amount of \$22,650.00. (Passed unanimously)
6. Reappointed Steve McNeer and Mia Ham to serve on the Planning Commission with terms expiring May 2024. (Passed unanimously)
7. Authorized the City Administrator to execute Change Order #1 to upsize the proposed forcemain as part of the Prairie Trace Sanitary Sewer Improvements at a cost of \$77,900. (Passed unanimously)
8. Accepted the District Court of Johnson County Civil Court ordered compensations and appraisal fees and authorize payment for easements acquired through Eminent Domain in the amount of \$16,650.00, as required to install sanitary sewer improvements for the Prairie Trace development. (Passed unanimously)
9. Authorized the Mayor to execute a settlement agreement with The Midwest Trust Company and Carol Dale Grube in the amount of \$235,000 for compensation due for eminent domain condemnation in connection with the Gardner Municipal Airport. (Passed unanimously)
10. Adopted Ordinance No. 2701, an ordinance amending Chapter 2.05.040 of the Municipal Code of the City of Gardner, Kansas, entitled “Governing Body Rules of Procedure” and incorporating by reference the *Governing Body Rules of Procedure*, under the provisions of K.S.A. 12-3009 through 12-3012. (Passed unanimously)
11. Approved a request for a Waiver of the Distance Limitation to allow for the sale of domestic table wine within 200 feet of a school, church or library during the weekly Farmers Markets events to be held on Thursdays, 4pm to 7pm, from May 13, 2021 to September 2, 2021. (Passed unanimously)
12. Recessed into executive session to discuss matters of attorney-client privilege related to a proposed development project for 25 minutes. (Passed unanimously)